

राजपत्र सं० पी० 461;



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 20 नवम्बर, 1970/29 कार्तिक, 1892

GOVERNMENT OF HIMACHAL PRADESH

LOCAL SELF GOVERNMENT DEPARTMENT

NOTIFICATIONS

Simla-2, the 29th September, 1970

No. 1-4/70-LSG.—In exercise of the powers conferred by sections 255 and 273 of the Himachal Pradesh Municipal Act, 1968, (Act No. 19 of 1968), the Administrator (Lieutenant Governor), Himachal Pradesh, proposed to make the following draft rules entitled as the Himachal Pradesh Municipalities Correspondence Rules, 1970 and the same are hereby published in the Official Gazette for the information of persons likely to be affected thereby and a notice is hereby given that these draft rules will be taken into consideration after 30 days from the date of publication in the Gazette.

If any person affected thereby, desires to take any objection, or has any suggestion to make, regarding these draft rules, he can send the same to the Secretary, Local Self Government Department to Himachal Pradesh Government, before the expiry of the above period. The objection or suggestions, if any, so received, will be taken into consideration before making such rules.

DRAFT RULES

RULES MADE BY THE HIMACHAL PRADESH STATE GOVERNMENT UNDER SECTION 255 OF THE HIMACHAL PRADESH MUNICIPAL ACT, 1968 HAVING THE FORCE OF LAW AND APPLICABLE TO ALL MUNICIPAL/CORPORATIONS

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh Municipalities/Correspondence Rules, 1970.

(2) They shall come into force with immediate effect.

(3) They shall also apply *mutatis mutandis* to Simla Municipal Corporation or any other Municipal Corporation constituted under any other enactment made in this behalf.

2. *Definition.*—In these rules, unless the context otherwise requires,—

(a) "Act" means the Himachal Pradesh Municipal Act, 1968;

(b) "Committee" means a Municipal Committee or Notified Area Committee;

(c) "Deputy Commissioner" or "Deputy Commissioner of the District" includes Additional Deputy Commissioner, Joint Deputy Commissioner, or any person or persons at any time appointed by the State Government to perform in any district or districts the functions of a Deputy Commissioner under this Act; Deputy Commissioner means the Chief Officer-in-charge of the Revenue and General Administration of the District in which the Local Body is functioning;

(d) "Municipality" means a Municipal Committee or Notified Area Committee established by or under the Himachal Pradesh Municipal Act, 1968;

(e) "Schedule" means a Schedule annexed to these rules;

(f) "Section" means a section of the Himachal Pradesh Municipal Act, 1968;

(g) Words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act.

3. *Municipality to correspond through the Deputy Commissioner.*—(1) Except in matter which require immediate attention of the State Government or in cases where the State Government has, by a general or special order, specifically directed a Municipality to send any correspondence direct to the State Government, all correspondence between a Municipality and the State Government,—

relating to the matter specified in Schedule I, shall invariably pass through the Deputy Commissioner; in duplicate. The Deputy Commissioner may forward the correspondence forthwith to the State Government with his remarks or may detain or return any correspondence for the purpose of obtaining from the Municipality any further information or elucidation.

(2) Every correspondence shall be accompanied by copies of the resolution; if any, passed by the Municipality in the matter.

(3) In cases in which the Municipality is authorised under sub-rule (1) to send any correspondence direct to the State Government, it shall forward copies thereof to the Deputy Commissioner.

4. *Correspondence between the Municipality and Examiner of Local Fund Accounts.*—Correspondence from the Municipality to the Examiner of Local Fund Accounts may be made direct, but it shall invariably be issued in the name of the President of the Municipality.

5. *Correspondence between the Municipality and the principal representative in the district of the head of a department.*—Save as otherwise directed by the Deputy Commissioner, by general or special order in writing, regarding any matter to be specified therein, correspondence between a Municipality and any principal representative in the district of the head of a department of the Government shall pass through the Deputy Commissioner.

6. *Correspondence by the Municipality to the head of department or other officers.*—Correspondence the Municipality to the head of departments or officers of Government Departments other than of the district level, shall pass through the Deputy Commissioner.

7. *Municipal Commissioners etc. not to enter into correspondence with the Himachal Pradesh State Government or Government authorities directly.*—Save as otherwise provided in these rules, no Municipal Commissioner or Committee/Corporation or Member of a Committee or subordinate authority of a Municipality shall correspond directly with the Government or Government authorities on any matter connected with the affair of the Municipality.

8. *Bar to make correspondence with Central or other State Governments.*—No Municipality or its subordinate agency shall correspond directly with the Central or any other State Governments.

9. *Correspondence by whom to be signed.*—Subject to the provisions of the Act and the rules made thereunder all correspondence emanating from and on behalf of the Committee shall be signed by the President/Secretary/Executive Officer/Administrator of the Municipality.

10. *Rules to be general.*—These rules shall be general for all Municipalities in Himachal Pradesh.

11. *Repeal and saving.*—Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the Municipalities to whom these rules apply are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

SCHEDULE

[See clause (a) of sub-rule (1) of rule 3]

1. Changing the class of an existing Municipality under section—
2. (a) Altering the limits of a Municipality uniting or dividing a Municipality.
(b) Dissolution or supersession of a Municipality.
3. Removal of a President, Vice-President under section 21 and Municipal Commissioners under section 15.
4. References regarding elections and bye-elections of President/Vice-President and Municipal Commissioners.
5. Complaints against President, Vice-President and Municipal Commissioners or servants.
6. Removal of disqualifications of President, Vice-President and Municipal Commissioners.
7. Acquisition of land.
8. Transfer of Municipal property.
9. Inspection notes.
10. References regarding suspension or execution of orders or resolutions of Municipality.
11. Proposals for grants of loans.
12. Budget Estimates of Committee.
13. References regarding imposition, granting exemption and alterations in taxes, etc., etc.
14. References regarding new water supply schemes or major improvements or expansion of existing ones.
15. Annual reports of the Committee.
16. Reports regarding serious maladministration of Municipalities and all cases involving defalcation or loss of Municipal fund.
17. Proposals for Five Year Plan.
18. References regarding grant-in-aid.

By order,
D. B. LAL,
Secretary.

Simla-2, the 11th November, 1970

No. 7-10/68-LSG.—In exercise of the powers conferred by clause (d) of sub-section (1) of section 257 of the Himachal Pradesh Municipal Act, 1968 (Act No. 19 of 1968) the Administrator (Lieutenant Governor), Himachal Pradesh is pleased to appoint Shri Davinder Kumar s/o Shri Milkhi Ram of Santokhgarh as a Member of the Notified Area Committee, Santokhgarh with immediate effect for a period of 3 years of the residue of the present term of NAC, Santokhgarh whichever is less.

By order,
RUP LALL AHLUWALIA,
Under-Secretary.

